

SUMMARY OF ELEMENTS OF THE CRITICAL FARMS PROGRAM

1. The applicant must be a full-time farmer as defined in Ordinance #94-02-097.
2. The farm must meet the requirements of the Maryland Agricultural Land Preservation Foundation for District approval and Easement sale and must receive a favorable recommendation for District approval from the Frederick County Agricultural Preservation Advisory Board.
3. No less than 75% of the acreage of the farm must be zoned as Agricultural or Conservation under Frederick County Zoning Ordinance.
4. Farms will receive a score based on the adopted Easement Priority Ranking system.
5. The Board of County Commissioners may grant preliminary approval to one or more applicants, always giving preference to the highest score. The Board of County Commissioners may also determine that none of the properties on the list has a score which is high enough to justify an option to purchase a development rights easement through this program.
6. For farms that have received preliminary approval, the County will have two appraisals conducted to determine the value of the development rights easement. Applicants may also submit an appraisal, but are not required to do so. Applicants are reminded that an appraisal submitted by them must provide both the fair market value and the agricultural value of the land as defined in ordinance #94-02-097.
7. The applicant and the County must agree on an easement value based on the values provided by the appraisals.
8. The Commissioners will be asked to grant final approval of an option to purchase an easement on the farm at a price of 75% of the agreed upon easement value. The Commissioners are not obligated to grant final approval.
9. If the applicant is the contract purchaser of the farm, the payment and settlement for the County option can occur immediately following the settlement for the property.
10. The applicant should keep all mortgage holders and potential future mortgage holders fully informed regarding the terms of the option for easement sale and the terms of the deed of easement, and the values involved. Mortgage holders will be required to be a party to the option agreement and the deed of easement.
11. The County payment for the option to purchase an easement will obligate the applicant to make all reasonable efforts to have the farm approved by the Maryland Agricultural Land Preservation Foundation as an Agricultural Preservation District. For a period of 5 years, the applicant must actively pursue the sale of an easement to the Foundation at a price no lower than the County option payment.
12. If the applicant successfully sells an easement to the State Foundation, the full amount of the County option must be repaid when easement settlement with the State occurs.
13. If the applicant is unable to sell an easement to the State Foundation within 5 years from the recordation of the option agreement, the applicant will have a limited time (60 days) to cancel the option agreement by repaying to the County the full amount of the price of the option, plus interest for the entire period of the option, at the legal rate in effect at the time of cancellation.

14. If the applicant does not cancel the option within the 60-day period, the County will exercise the option contained in the agreement and acquire the development rights easement from the applicant with no additional payment being made by the County.
15. The applicant will be obligated to provide a survey description of the property if the survey description contained in the property deed is not accurate enough to obtain the title insurance required by the State for easement acquisition.
16. The deed of easement will be the standard deed of easement used by the Maryland Agricultural Land Preservation Foundation and the easement may be donated by the County to the Maryland Agricultural Land Preservation Foundation.